

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

In re

Elizabeth Carrington

Debtor

Case No. 21-40616

Chapter 7

Judge Mark A. Randon

**CHAPTER 7 TRUSTEE'S OBJECTIONS TO AMENDED MOTION FOR
RELIEF FROM AUTOMATIC STAY AS TO PROPERTY KNOWN AS
20066 BRIARCLIFF RD., DETROIT, MI 48221**

The Chapter 7 Trustee, Kenneth Nathan, files these Objections to the U.S. Bank Trust National Association's Amended Motion for Relief from Automatic Stay as to Property Known as 20066 Briarcliff Rd., Detroit, MI 48221 (ECF No. 77) and says:

1. With regard to the allegations contained in Paragraph 1 of the Motion, Trustee admits that Movant seeks relief under the referenced sections of the United States Bankruptcy Code but denies that Movant is entitled to any relief.

2. Trustee admits the allegations contained in Paragraph 2 of the Motion.

3. With regard to the allegations contained in Paragraph 3 of the Motion, Trustee admits that the filing of the Bankruptcy case operates as an automatic stay. Trustee denies that Movant is entitled any relief on this Motion and specifically denies that Movant is entitled to entry of the proposed order attached to the motion.

4. Trustee is without knowledge and therefore neither admits nor denies the allegations contained in Paragraph 4 of the Motion.

5. Trustee is without knowledge and therefore neither admits nor denies the allegations contained in Paragraph 5 of the Motion.

6. Trustee is without knowledge and therefore neither admits nor denies the allegations contained in Paragraph 6 of the Motion.

7. Trustee is without knowledge and therefore neither admits nor denies the allegations contained in Paragraph 7 of the Motion.

8. Trustee is without knowledge and therefore neither admits nor denies the allegations contained in Paragraph 8 of the Motion.

9. Trustee is without knowledge and therefore neither admits nor denies the allegations contained in Paragraph 9 of the Motion.

10. Trustee is without knowledge and therefore neither admits nor denies the allegations contained in Paragraph 10 of the Motion.

11. Trustee is without knowledge and therefore neither admits nor denies the allegations contained in Paragraph 11 of the Motion.

12. Trustee denies the allegations contained in Paragraph 12 of the motion.

13. Trustee denies the allegations contained in Paragraph 13 of the Motion.

14. The Motion does not establish Movant's standing to enforce the Note or Mortgage. The documents attached as exhibits indicate that the Mortgage was purportedly assigned to Movant by US Bank Trust National Association as Trustee of the Bungalow Series III Trust. (ECF 77-3, p. 26 - 33). There are no documents in the chain of title indicating that US Bank Trust National Association as Trustee of the Bungalow Series III Trust owned or held the Mortgage or that

Movant validly acquired an interest in the note and Mortgage sufficient to obtain relief from the stay. Accordingly, Movant is not entitled to relief from the automatic stay in this case.

15. The Motion does not attach any documents indicating either the value of the property or the amount owed on the mortgage. Accordingly, the Motion does not state a basis for relief under 11 USC Section 362.

For the foregoing reasons, the Chapter 7 Trustee, Kenneth Nathan, requests that this Court deny the relief requested by Movant and enter such additional orders and the Court deems appropriate under the circumstances.

Respectfully submitted,

OSIPOV BIGELMAN, P.C.

Date: November 1, 2021

/s/ Thomas D. DeCarlo
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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2021, I electronically filed Chapter 7 Trustee's, Kenneth Nathan, Response to U.S. Bank's Amended Motion for Relief From Automatic Stay with the Clerk of the Court using ECF system which will send notification of such filing to the following:

Jon J. Lieberman
Sottile & Barile, Attorneys at Law
394 Wards Corner Road
Suite 180
Loveland CO 45140

and I also hereby certify that I mailed by First Class Mail with the United States Postal Service copies of the above noted documents to the following non-ECF participants:

Elizabeth Carrington
20066 Briarcliff
Detroit, MI 48221

OSIPOV BIGELMAN, P.C.

Dated: November 1, 2021

/s/ Tijuana A. Crawford
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